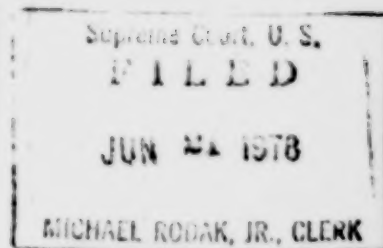


In The
SUPREME COURT OF THE UNITED STATES
October Term, 1977

No. 77-1681



J. EDWIN LAVALLEE, Superintendent,
Clinton State Correctional Institution,

Petitioner,

-against-

JOHN SUGGS,

Respondent.

BRIEF FOR RESPONDENT IN OPPOSITION
TO THE PETITION FOR A WRIT OF CERTIORARI

Judson A. Parsons, Jr.
Attorney for Respondent
140 Broadway
New York, New York 10005
(212) 344-8000

Of Counsel:

Christopher B. Kende

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OPINIONS BELOW

The relevant opinions below are
set out at petitioner's Appendix A
and Appendices E through K.

REASONS FOR DENYING THE WRIT

The facts and legal issues in this case are fully
set forth in the detailed and well-reasoned opinion of Judge
Oakes which is annexed as Appendix A to the petition. Ap-

parently, petitioner does not question the factual findings
made by the court below. Nor does he contest the determina-
tion by the district court that respondent was incompetent
when he entered his pleas of guilty in state court and that,
consequently, those pleas must be regarded as null and void.
Petitioner merely seeks to rehash issues which were painstakingly
discussed and dealt with in toto below. Even a cursory
reading of that decision confirms that no question of sufficient
importance is presented to merit the granting of a writ
of certiorari.

The long and complex record herein confirms that the
facts in this case are unique and are not likely to recur since
the key event upon which the petitioner premises his argument
(respondent's sentencing on June 3, 1969) occurred only four
days after this Court's decision in Boykin v. Alabama, 295
U.S. 238 (1969) and before the state courts had had much ex-
perience with its holding. As the court below correctly found,
because respondent was incompetent when he pleaded guilty, his
post-Boykin sentencing had to comply with all the requirements
of Boykin for it to constitute a valid substitute for an in-
valid plea. (Suggs v. La Vallee, 570 F.2d 1092 (2d Cir.
1978); App. A, pp.47a-54a.) Because of the unique factual
posture of this case, it would be wholly inappropriate for
this Court to grant certiorari.

CONCLUSION

No questions raised in the petition make Supreme Court review appropriate. Consequently, the petition for a writ of certiorari should be denied.

Respectfully submitted,

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Of Counsel:

Christopher B. Kende

June 19, 1978

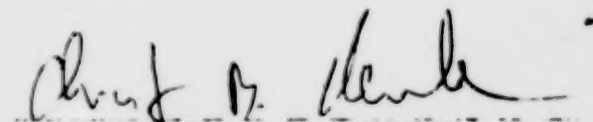
CERTIFICATION

CHRISTOPHER B. KENDE, a member of the Bar of this Court and of counsel to Judson A. Parsons, Jr. herein, attorney for respondent John Suggs, hereby certifies that all parties required to be served with the instant brief in opposition to the petition for a writ of certiorari, to wit:

Robert M. Morgenthau
District Attorney, New York County
Attorney for petitioner
155 Leonard Street
New York, New York, 10013, and

John Suggs
No. 69-B-0033
Drawer B
Stornville, New York 12585

have been served in accordance with the requirements of Rule 33 of the Rules of this Court.


CHRISTOPHER B. KENDE